

REMARKS

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 21, 46-48, 52-54, 58-68 and 71-73 are drawn to a thrombectomy device and system. Claims 52 and 68 have been amended as suggested by the Examiner to overcome the section 112 rejections. No new matter has been introduced.

The Examiner states that claims 21, 46-48, 52-54, 58-68 and 71-73 are anticipated by Drasler, et al., WO 94/10917, and further refers to FIGS. 1, 9 and 14. The Examiner is incorrect. While there are similarities between the disclosures, Drasler, et al. WO 94/10917 lacks the inflow and outflow orifices of the present invention. Drasler, et al. WO 94/10917 has radial jet(s) such as those shown in FIGS. 9, 13 and 14 as jets 250, 251 and 252 which emanate from orifices 226, 228 and 230. These jets, however, are different from the cross stream jet(s) 82 emanating from outflow orifice(s) 32 shown in FIGS. 5 and 6 of the present application. In Drasler, et al. WO 94/10917, the radial jet(s) are composed entirely of fluid from the first passage; referring to FIGS. 9-13 and the corresponding description on page 21, line 27, through page 22, line 24, fluid flows from hypo tube 214 through opening 232, manifold spaces 236, 238 and 240 and flow resistance narrowings 242, and finally exits through side holes 226-230 as radial jets 250-252. The radial jets of Drasler, et al. WO 94/10917, therefore, are very limited by the amount of fluid which can be supplied through hypo tube 214 (which acts as the first passage, or first tubular means in that case). In contrast, the outflow orifices of the present invention, when combined with the inflow orifices of the present invention, can provide a much


greater flow of fluid through the inflow and outflow jets; page 32, lines 23-25, describes the flow rate of up to 20 times that of the saline exiting from the jet emanator. A much greater amount of entrained fluid is drawn in through the inflow orifice(s) and exit through the outflow orifice(s) as cross stream jet(s), providing much improved fluid recirculation and much greater effectiveness on organized mural thrombus, in a simple and efficient manner. Since there are no outflow means or orifices which communicate from the second passage of the device of Drasler, et al. WO 94/10917 and this is a key feature and teaching of the present invention, Applicants contend that independent claims 21, 52 and 68 (which set forth outflow means or at least one outflow orifice and inflow means or at least one inflow orifice formed in said second tube, the lower pressure or exhaust tube) and corresponding dependent claims are, indeed, patentably distinct from those of Drasler, et al. WO 94/10917 which sets forth radial jet(s) which emanate (through passages, restrictions, and openings) from the first (high pressure supply) tube. The device of Drasler, et al. WO 94/10917 has no outflow means in the exhaust tube which is a key feature of the present invention as cited in claims 21, 52 and 68 of the present invention. The unique features, structures and function of the present invention as claimed are not anticipated by Drasler, et al. WO 94/10917. Applicants, therefore, request reconsideration of claims 21, 46-48, 52-54, 58-68 and 71-73.

If there are any further issues yet to be resolved to advance the prosecution of this patent application to issue, the Examiner is requested to telephone the undersigned counsel.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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09/15/2003

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